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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,210	02/08/2001	Fanny Maquaire	TIF-30144	6628

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER

BEHULU, ALEMAYEHU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,210

Applicant(s)

MAQUAIRE ET AL.

Examiner

Alemayehu Behulu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/02/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 6-10, 13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkat (U.S. Patent No. 5,805,672) in view of Ishida (G.B. Publication No. 2268663).

Regarding claims 1, 10 and 15, Barkat discloses a mobile communications device comprising (figure 1, number 12): a database of telephone numbers, one or more of the telephone numbers associated with respective audio and voice templates (column 2, lines 1-10, abstract, figure 2, number 30, 54, 56, column 4, lines 14-24); voice activated dialing circuitry for dialing one of the telephone numbers in response to identifying a match between an audio input from a user and one of templates, and for playing the associated audio file in response to match (column 2, lines 1-10, abstract, column 3, lines 34-51, column 4, lines 20-24). But, Yablon fails to teach caller identification circuitry for detecting an originating telephone number associated with an incoming telephone call and, if originating telephone number is associated with an audio file, playing the associated audio file. However, Ishida discloses caller identification circuitry for detecting an originating telephone number associated with an incoming telephone call and, if originating telephone number is associated with an audio file, playing the associated audio file (figures 2-5 and page 4, lines 18-page 7, lines 11, claims 1, 5, 6). Therefore, at the time of the

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invention, it would have been obvious to a person of ordinary skill in the art to combine Barkat (U.S. Patent No. 5,805,672) with Ishida (G.B. Publication No. 2268663) to allow the user easily recognize the caller's identification by simply listening to the audio announcement.

Regarding claims 4 and 13, the combination of the Barkat and Ishida disclose, the mobile communications device of claims 1, 10 respectively wherein caller identification circuitry further plays distinctive ring associated with originating telephone number if the originating telephone number is not associated with an audio file (see Ishida figure 3, label S7 and page 5, lines 8-25, page 6, lines 21-25).

Referring to claims 6-9, the combination of the Barkat and Ishida teach mobile communications device of claim 1. However, the above combination does not expressly teach that the mobile communication device are a cellular telephone, a smart phone, a personal digital assistant, and a portable computer as claimed. However, the examiner takes an official notice that a smart phone, a personal digital assistant, and a portable computer are known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the above combination such that it can also be used with the conventional cellular phone, a smart phone, a personal digital assistant, and a portable computer as claimed, in order to enhance the practical application of the combination of Yablon and Ishida.

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2. Claims 2, 3, 5, 11, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkat (U.S. Patent No. 5,805,672) and Ishida (G.B. Publication No. 2268663) as applied to claims 1, 10 above, and further in view of Yablon (International Publication No. WO 99/45687).

Regarding claim 2, 11, the combination of Barkat and Ishida disclose the mobile communications device of claims 1, 10. However, Barkat and Ishida fail to disclose display for displaying name associated with a telephone number caller. But, Yablon discloses display for displaying name associated with a telephone number caller (see Yablon figure 5, and page 11, lines 2-8). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Barkat (U.S. Patent No. 5,805,672) and Ishida (G.B. Publication No. 2268663) with Yablon (International Publication No. WO 99/45687) so that the user is able to answer only important calls which gives the user more choice and save time.

Referring to claims 3 and 12, the combination of the Barkat, Ishida and Yablon disclose, the communications device of claim 2 wherein the display further displays originating telephone number (see Yablon figure 5 and 7).

Referring to claims 5 and 14, the combination of the Barkat, Ishida and Yablon disclose, the mobile communications device of claim 1 wherein audio files are recording of the user's voice (see Yablon figure 13 and page 8, lines 17-22 and page 12, lines 3-9).

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Response to Arguments


3. Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828. The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
8/20/04